



August 11, 2008

RE: Gaming on Trust Lands Acquired After October 17, 1988

Dear Tribal Leader:

On May 20, 2008, the Department of the Interior published final regulations interpreting the after-acquired lands provisions of the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2719. 73 Fed. Reg. 29,354 (May 20, 2008). Later, the Department stayed the effective date of those regulations, which now will go into effect on August 25, 2008. 73 Fed. Reg. 35,579 (June 24, 2008).

The National Indian Gaming Commission (NIGC) worked with the Department to develop these regulations. Although we voiced some differences on various aspects of the proposed rules, we generally support the final rule and believe that good government calls for a single set of standards.

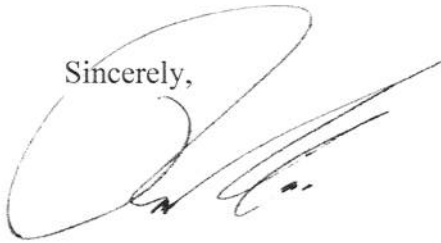
Pursuant to the NIGC's consultation policy, we are requesting your views regarding how the NIGC should handle its decisions under 25 U.S.C. § 2719 in light of the Department's regulations. Our goal is to give guidance and bring clarity to this important area of Indian gaming law. We invite any suggestions, but specifically we would like your views concerning the following questions.

- Is there any reason to doubt our current view that the NIGC, when making its own decisions pursuant to 25 U.S.C. § 2719, should follow the substance of the Department's after-acquired lands regulations?
- Should the NIGC write a bulletin to inform tribes and the public how it interprets and implements 25 U.S.C. § 2719, especially in light of the Department's regulations?
- Should the NIGC issue its own regulations to govern its decisions under 25 U.S.C. § 2719? If so, should they be identical in substance to the Department's regulations?
- If the NIGC undertakes a rulemaking under 25 U.S.C. § 2719, are there any subjects or issues that were not covered by the Department's regulations that should be covered in NIGC regulations? Should the NIGC promulgate procedural

regulations that would govern the process for developing Indian lands opinions and determinations at the NIGC?

Thank you very much for your consideration and consultation on this important subject. Because we will start to be confronted with these issues after the Department's regulations go into effect on August 25, 2008, time is of the essence. Therefore, if possible, we seek at least your preliminary views by September 5, 2008. If the NIGC decides that it may be best to develop its own regulations, we will contact you again for consultation on a pre-publication draft. If you have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Hogen', with a large, looping initial 'P'.

Philip N. Hogen
Chairman